

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:	Bankr. Case No. 22-20823-GLT
U-LOCK, INC.,	Chapter 7
Debtor.	
CHRISTINE BIROS,	Adv. Pro. No.: 22-02081-GLT
Plaintiff,	
v.	
SHANNI SNYDER,	
Defendant.	

**AFFIDAVIT OF COUNSEL IN SUPPORT OF PLAINTIFF'S
REQUEST FOR ENTRY OF DEFAULT**

I, Mac Booker, being duly sworn, state as follows:

1. I am 18 years of age or older and am competent to render the foregoing testimony under oath.
2. I am an attorney admitted to practice in the Commonwealth of Pennsylvania and before this Court, and I am an attorney with the law firm of Bernstein-Burkley, P.C., counsel for Christine Biros. I am familiar with the facts and pleadings in this matter. I am not a party to this lawsuit.
3. I submit this affidavit to the best of my knowledge, information and belief, in support of Plaintiff's Request for Entry of Default against the Defendant, Shanni Snyder, pursuant to Fed. R. Civ. P. 55(a), made applicable to the above-captioned adversary proceeding by Fed. R. Bankr. P. 7055.
4. On December 21, 2002, Christine Biros filed a Complaint to Quiet Title in the Westmoreland County Court of Common Pleas.

5. On December 28, 2022, Defendant entered an appearance in the Westmoreland County Court of Common Pleas in the Quiet Title Action.

6. On December 30, 2022, Defendant removed the Quiet Title Action to this Court, and it was subsequently assigned the above adversary proceeding number.

7. A Defendant who removes an action prior to service "...is in effect waiving service of process when it removes an action before being served." *Valido-Shade v. Wyeth, LLC (In re Diet Drugs)*, 875 F.Supp.2d 474, 477 (E.D.Pa. 2012).

8. When a defendant removes an action from state court to federal court before answering, that defendant's time to answer is governed by Fed. R. Civ. P. 81(c)(2). *See* Fed R. Civ. P. 81(a)(2).

9. Rule 81(c)(2) provides that an answer or other responsive filing must be filed within the longest of, "(A) 21 days after receiving – through service or otherwise – a copy of the initial pleading stating the claim for relief; (B) 21 days after being served with the summons for an initial pleading on file at the time of service; or (C) 7 days after the notice of removal is filed."

10. Defendant received the Complaint in this matter on or before December 28, 2022, the day she entered an appearance in the Court of Common Pleas.

11. The Rule 81(c)(2)(A) period expired on January 19, 2023.

12. Defendant removed the action to this Court on December 30, 2022.

13. The Rule 81(c)(2)(C) period expired on January 6, 2023.

14. Accordingly, the date of effective service was December 30, 2022, the same day the Defendant removed the action to this Court.

15. As a result the Rule 81(c)(2)(B) period expired on January 20, 2023.

Barbara J Wagner
Notary Public